

Message Text

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SUBJ: ITALIAN SUPERIOR COURT RETURNS COCA COLA CASE TO GENOA
FOR ADJUDICATION.

REF: (A) GENOA 0620 (B) ROME 189613 (C) GENOA 0593

1. THE ITALIAN SUPERIOR COURT (CORTE DI CASSAZIONE) RECENTLY
REMANDED THE COCA COLA CASE TO THE INVESTIGATING JUDGE IN GENOA
WITH INSTRUCTIONS THAT HE DECIDE THE QUESTION OF WHETHER THE
COMPANY BEVERAGE MEETS ITALIAN LABELLING STANDARDS BY LISTING
THE INGREDIENTS ON THE BOTTLE CAP RATHER THAN ON THE FAMILIAR
GLASS BOTTLE (REFTEL C). LAST FALL, INVESTIGATING JUDGE,
GIAN RODOLFO SCIACCALUGA ARGUED THAT THIS WAS A MATTER FOR A
LOWER COURT, THE PRETURA, TO DECIDE AND REFUSED TO HEAR
ARGUMENTS IN THE CASE. THE ASSISTANT PROCURATOR IN GENOA,
JUDGE MARIO SOSSI, DISAGREED AND REQUESTED THAT THE SUPERIOR
COURT DECIDE THE JURISDICTIONAL ISSUE.

2. DESPITE THE SUPERIOR COURT S RULING, JUDGE SCIACCALUGA
HAS AGAIN REFUSED TO REVIEW THE COCA COLA CASE AND RECOMMENDED
THAT SOSSI REFER THE MATTER TO THE PRETURA. JUDGE SCIACCALUGA
MAINTAINS THAT SINCE LABORATORY TESTS HAVE CLEARLY DEMONSTRATED
THAT COKE DOES NOT CONTAIN HARMFUL INGREDIENTS, THE ONLY
QUESTION LEFT TO BE DECIDED IS WHETHER THE CAP IS TO BE
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CONSIDERED AN INTEGRAL PART OF THE BOTTLE FOR LABELLING PURPOSES.
ACCORDING TO SCIACCALUGA S INTERPRETATION, THE PRETURA SHOULD
DECIDE THIS QUESTION. UNDER SOSSI S INTERIM ORDER OF LAST
NOVEMBER, COCA COLA HAS MARKETED ITS PRODUCT IN ITALY BY
PLACING SIGNS DENOTING THE BEVERAGE S INGREDIENTS IN ALL
PLACES WHERE THE DRINK IS SOLD. IF THE PRETURA RULES IN
COCA COLA S FAVOR ON THE BOTTLE CAP CONTROVERSY, AS THE COMPANY

BELIEVES LIKELY, COCA COLA MAY BE RELUCTANT TO TAKE DOWN
THE PLACARDS THAT AFFORD COKE EXTRA PUBLICITY THROUGHOUT ITALY.

3. COMMENT: THE COCA COLA CASE IS LIKELY TO GATHER DUST
ON JUDGE SOSSI'S DESK. A FORMER KIDNAP VICTIM OF RED BRIGADE
TERRORISTS, THE PRESS FREQUENTLY SOUGHT OUT SOSSI FOR
DETAILS ON HIS OWN TREATMENT AT THE HANDS OF THE TERRORISTS
DURING THE MORO AFFAIR. AS A RESULT OF HIS RECENT TESTIMONY
AT THE TRIAL OF THE RED BRIGADE LEADERS IN TURIN, THE GENOA
MAGISTRATE IS HIMSELF THE SUBJECT OF CRITICISM FROM SOME OF
HIS JUDICIAL COLLEAGUES. FINALLY, SOSSI SPENT NEARLY THREE
MONTHS AWAY FROM HIS OFFICE RECUPERATING FROM A SKI INJURY.
THERE SHOULD BE, THEREFORE, MORE PRESSING MATTERS AWAITING
HIS ATTENTION THAN THE COCA COLA CAP CASE. DI SCIULLO

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